

REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment is respectfully requested. Upon entry of the foregoing amendment claims 1 and 6-20 are pending, with 1 and 6 being the independent claims. Claims 19 and 20 have been added, and each depends from claim 1. In view of the following remarks, favorable consideration and allowance of the application is respectfully requested.

Allowable Subject Matter

The Examiner indicated that claims 6-18 are in condition for allowance.

35 U.S.C. §103(a) Rejection

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over US 2003/0055377 to Sirhan et al. The Examiner states that Sirhan et al. teaches all limitations of the claim except the varying thicknesses of the reinforcing members, which the Examiner found to be within the level of ordinary skill in the art. Office Action pp. 2-3. The Examiner noted that the “claim language does not provide any limitations as to where [the curved reinforcing member] is placed in relation to the first reinforcing member, other than it is ‘on’ the reinforcing member.” *Id.* at 3.

Applicants have amended independent claim 1 to clarify the subject matter thereof. Support for the amendment may be found throughout the specification, and particularly in paragraphs [0049] and [0059] with reference to FIG. 3C. Claim 1, as amended, recites an extruded shaft with first and second interior surfaces that define the guidewire and inflation lumens. Such a feature is not taught or suggested by the multiple tubes/shafts, such as items (17) and (46) in FIG. 3S3 (reproduced below), that make-up the catheter shaft of Sirhan et al.

Further claim 1, as amended, recites that the generally tubular reinforcing member, which has a cross-section of a partial annulus, also has first and second ends on which curved elongate reinforcing member is disposed. As an initial matter, the Examiner relies on catheter shaft (17) in FIG. 3S3 of Sirhan et al. (reproduced below) as disclosing the generally tubular reinforcing member with “a cross-section of a partial annulus.” Applicants disagree that “a cross-section of a partial annulus” as claimed is disclosed by the cross-section of catheter shaft (17) that the

Examiner describes as “only partly ring-shaped.” Office Action p. 3. The claimed limitation does not recite that the cross-section *includes* a partial annulus but that it has a cross-section *of* a partial annulus, which means a partial or portion of a ring. The cross-section of catheter shaft (17) in FIG. 3S3 of Sirhan et al. is more aptly characterized as fully annular, or ring-shaped, albeit non-circular. In order to remove any doubt as to the partial

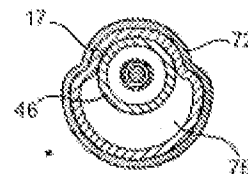


FIG. 3S3

annular shape of the generally tubular reinforcing member, as well as the relationship between the reinforcing members, the generally tubular reinforcing member is now recited to have first and second ends on which the curved elongate reinforcing member is disposed. These features are not taught or suggested by Sirhan et al.

For at least the foregoing reasons, claim 1 is patentable over and not obvious in view of Sirhan et al. New claims 19 and 20 depend from and add further features to independent claim 1 and thus are patentable for that reason alone.

CONCLUSION

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

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